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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

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6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,373

Applicant(s)

Hermann et al.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 05/12/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-37 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Objections

1. Claims 4, 23, 26, and 37 are objected to because of the following informalities: on the first line of claim 4, change the "claim 4" to "claim 3" and change "display processing mean" to "a display processing means". Regarding claims 23, 26, and 37, from the specification, it is understood that the transmits a signal and does not receive a signal; thus, applicant is asked to changed "transmitter" at the fourth line of claim 23, the third line of claim 26, and the fourth line of claim 27 to "receiver". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1, 5-10, 12, 15-34, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Campanula, US Patent Number 5,835,487. Campanula teaches an electronic device for receiving broadcast media comprising a CPU, a storage medium, a display, a user interface and an digital audio broadcast receiver which receives digital signal transmitted by a digital audio transmitter and decodes the received digital signal for use by the CPU. Campanula is his satellite direct radio broadcast system teaches a radio receiver in the form of a radio receiver which has a central processing unit. As shown in Figure 7 and described in Col. 9, lines 5-7 and Col. 10, lines 1-14, it is clear that the chip set 135 consisting of a receiver, demodulator, demultiplexer and fec decoder act as the central processing unit of the incoming digital signal. Next, Campanula teaches a storage medium in the form of a smart card or memory used to determine whether or not a user has the right to access incoming signals based upon subscription services information as disclosed in Col. 10, lines 28-31 and 37-40. Next, as shown in Fig. 7 and described on Col. 10, lines 19-24, Campanula teaches an LCD screen or a display where information will be appear. Next, Campanula teaches a user interface in the form of knobs as described in Col. 10, lines 18-19. Finally, Campanula teaches a digital audio broadcast receiver that receives a digital signal transmitted by a digital audio transmitter and decodes the received digital signal by the CPU. In Col. 2, lines 58-63, Campanula teaches that the digital signal transmitted by a digital audio transmitter, in this case a satellite, transmits a signal to a digital audio broadcast receiver: Campanula goes onto say that these satellites will have 3 downlink spot beam (Col. 3, lines 1-2) and that each of these downlink spot beams that an L band is issued from the satellite (Col. 4, lines 29-31) Finally, Campanula teaches that each radio receives these digital signals (L band signals)

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are received for use by the radio and used by chipset 135 to demodulate the signal, as described in Col. 9, lines 1-4 and Col. 10, lines 1-14. It is clear that the chipset is equivalent to a central processing unit.

Regarding claim 5, with respect to claim 1 above, Campanula teaches a smart card reader and processing software, which permits a means of payment to the broadcaster of said digital signal from said digital audio transmitter. In Col. 10, lines 37-45, Campanula teaches a smart card equipped with a digital payment program that permits a means of payment to the broadcaster in the form of debiting a debit card that is initialized with a payment amount.

Regarding claim 6, with respect to claim 1 above, Campanula teaches that the digital audio broadcast receiver is a radio receiver which extracts and delivers a digital data stream from a broadcast channel. As Campanula teaches, the digital audio broadcast receiver is a radio receiver (Col. 8, line 64) that extracts and delivers a digital data stream from a broadcast channel (Col. 9, lines 1-4).

Regarding claim 7, with respect to claim 1 above, the device includes a storage and retrieval device. In regards to a storage device, a storage device is memory card with an encryption key that is stored on the memory card and retrieved in order to descramble the subscription channel as disclosed in Col. 10, lines 34-45 as well as in Col. 12, lines 11-17.

Regarding claim 8, with respect to claim 1 above, Campanella teaches a smart card reader and associated smart card data processing software for handling a smart card. As described in claim 5 above, Campanella teaches a smart card which could be inserted

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into the receiver system that is clearly read and has associated digital payment software and handling the use of the smart card as described in Col 10, lines 38-45.

Regarding claim 9, with respect to claim 8 above, Campanella teaches a smart card with cryptographic decryption key stored on the card for providing metered access to broadcast media as described in Col. 10, lines 38-45 as well as Col. 12, lines 11-18. It is clear that the card contains a decryption key that is used to provide metered access based upon payment amount.

Regarding claim 10, with respect to claim 9 above, Campanella teaches a counter decryption key on the smart card associated with a count where the counter decrements the count each time at least part of the digital signal is decrypted. As described on Col. 10, line 43-45, the payment count is clearly decrement by some sort of counter where the count when the receiver decrypts the signal.

Regarding claim 12, Campanella teaches a system for handling media comprising a transmitter comprising a broadcast server for transmitting a digital audio broadcast and an electronic device comprising a central processing unit, a storage medium, a display, a user interface, an and digital audio broadcast receiver which receives a digital signal transmitted by a digital audio transmitter and decodes the received digital signal for use by the CPU. As discussed in claim 1 above, Campanella teaches an electronic device with a central processing unit, a storage medium, a display, a user interface, and a digital audio broadcast receiver that receives a digital signal transmitted by a digital audio transmitter and decodes the received signal for use by the CPU. Campanella also teaches a transmitter comprising a broadcast server for transmitting a digital audio broadcast as described in Col. 2, lines 58-64: "The system will use digital audio coding techniques.

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Each satellite will deliver digital radio audio signals having qualities equivalent to AM monaural, FM monaural, FM stereo and CD stereo throughout its respective coverage area, together with ancillary data such as paging, video images and text transmissions directly to the radios.”

Regarding claim 15, with respect to claim 12 above, Campanella teaches a digital audio broadcast content identifiers associated with the type of media broadcast, where the device includes a screening device which selectively permits the downloading of broadcast according to the content identifiers. In his satellite radio broadcast system, Campanella teaches content identifiers in the form of control words such as the Ensemble/Sub-Ensemble blocking bits allows blocking of broadcast information as disclosed on Col. 8, lines, 5-11. It is clear hat a screening device on the radio receiver selectively permits the downloading of the digital audio broadcasts according to the content identifiers, where the radio would “...respond to the blocking signal and block the specific information”.

Regarding claim 16, with respect to claim 12 above, Campanella further teaches a means to periodically scan a broadcast channel for specific content. As stated on Col. 6, lines 48-54, Campanella teaches that the electronic device comprises means to periodically scan a broadcast channel for specific content: “Radio receivers, relying on ensemble information included in each prime rate channel, will automatically select those prime rate channels necessary to generate the user-selected audio program.” It is clear that the user is able to select a particular broadcast channel by periodically scanning a broadcast channel for specific content. It is also clear that the channel must be periodically and continually scanned in order to relay the digital signal from the

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transmitter to the electronic device, in this case the digital audio signal must be sent from the satellite to the radio receiver and the signal is scanned and descrambled in order to obtain the decrypted subscription content.

Regarding claim 17, with respect to claim 12 above, Campanella teaches the electronic device of claim 12 further comprising a smart card reader and associated smart card data processing software for handling a smart card. Campanella teaches in a smart card equipped with a digital payment program used to account for time and usage, as described on Col. 10, lines 38-45. It is very clear that the smart card also includes a smart card reader, as the smart card can only function upon having a smart card reader to read the program information on the smart card.

Regarding claim 18, with respect to claim 17 above, Campanella teaches a system for the smart card where it contains a decryption key stored for providing metered access to broadcast media. Campanella teaches this in Col. 10, lines 35-45 and Col. 12, lines 11-26, where a Campanella discloses a smart card with data representing a decryption key for providing a debit account and debiting the account corresponding to the debit account until the debit account has a zero balance.

Regarding claim 19, with respect to claim 18 above, Campanella further teaches a counter and where the cryptographic key on the card is associated with a count and where the counter decrements each time at least part of the digital signal is decrypted. As described in Col. 12, lines 11-26 above, it is clear that a counter exists payment amount is decremented until the payment amount reaches zero. Also, it is clear that the decryption key on the smart card is associated with the count, as payment amount is decremented when the digital signal is decrypted using the decryption key. Finally, it is clear that the

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counter decrements the count as long as at least part of the digital signal is decrypted, as stated in Col. 10, lines 40-43.

Regarding claim 20, with respect to claim 17 above, Campanella teaches a smart card reader and associated smart card data program that enables payment to the broadcaster whereby broadcaster broadcasts an encrypted signal and charges a set fee for a smart card having a decryption key encoded thereon and for which smart reader and associated smart card data processing software are capable of decrypting the signal only during a certain period of time. As noted in claim 18 above, it is clear that the Campanella smart card reader and associated data processing software where the broadcaster broadcasts an encrypted signal and has the payment amount on a debit card for a set amount, where the user must pay for additional authorization when the payment amount decrements from a set amount to zero as described in Col 10, lines 37-45. It is also clear that the smart card and associated smart card data processing software will be only capable of decrypting the signal as long as the payment amount is greater than zero.

Regarding claim 21, with respect to claim 20 above, Campanella that that when the smart card is inserted into the smart card reader, the smart card enables unlimited access to the broadcast signal only during a certain period of time. In this case, Campanella teaches us that the smart card has unlimited access to the broadcast signal during the time when payment amount is greater than zero as stated in claim 20 above in regards to Col. 10, lines 43-45, where the subscriber must pay for additional authorization to the decrypted broadcast signal.

Regarding claim 22, with respect to claim 21 above, Campanella teaches that the broadcast signal is transmitted with the matching key, thus enabling only those having the

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proper decryption key to decode the broadcast media. It is clear that Campanella teaches that the matching key must be transmitted because it is inherent that the matching key is transmitted in order to decode the broadcast signal as described in Col. 10, lines 38-45.

Regarding claims 23 and 26, Campanella teaches a method for providing broadcast media for updating the contents of a portable electronic device, the method comprising broadcasting a digital audio signal over a broadcast range, receiving the signal a digital audio transmitter, decoding the digital audio signal to obtain update data and updating the contents of the portable device using said update data. Campanella teaches a method of broadcasting a digital audio signal over a broadcast range as shown in Figure 1, reference #25 as described in Col. 2, 58-64. Campanella also teaches the receiving of the digital signal at a digital audio receiver, as disclosed on Col. 9, lines 1-4, where a radio will receive L band signals, which is implied in Col. 4, lines 27-32. Also, Campanella teaches decoding the digital audio signal to obtain update data. Campanella teaches in Fig. 7, reference #135 that the chipset is responsible for deciding the signal as described in Col. 10, lines 1-16 to obtain broadcast information such as audio output (Col. 1, lines 5-10) as well as update data regarding subscription information in form of payment information or identification number (Col. 10, lines 37-45 and 49-56). Further, in regard to claim 23, Campanella also teaches a method for updating the contents of a portable electronic device, where the payment amount is decremented and clearly updated in a smart card located within the radio receiver depending upon subscription time and usage as described in Col. 10, lines 43-45.

Regarding claim 24, with respect to claim 23 above, Campanella also teaches a method of updating contents of an electronic portable device comprising a smart card to

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meter access to broadcast media, as described in Col. 10, lines 29-45, which teaches a smart card used to meter access to payment amount and determine whether or not payment status allows decryption of broadcast media.

Regarding claim 25, with respect to claim 23 above, Campanella also teaches static media comprising media of non-interactive nature selected from a group consisting of, amongst other items, digitized audio data. As disclosed above Campanella teaches static media consisting of digitized audio signals as disclosed in Col. 2, lines 58-64: "The system will use digital audio coding techniques. Each satellite will deliver digital radio audio signals having qualities equivalent to AM monaural, FM monaural, FM stereo and CD stereo throughout its respective coverage area, together with ancillary data such as paging, video images and text transmissions directly to the radios."

Regarding claim 27, with respect to claim 26 above, Campanella teaches a method for scanning the digital audio broadcast for desired media content. Campanella describes this ability to scan the digital audio broadcast for desired media content on Col 9, lines 1-4, where the L band signal received will be demodulated and extract from the TDM (time division multiplex) stream useful audio signal. Thus, it is clear that Campanella teaches a method for scanning the digital audio broadcast for desired or useful media content.

Regarding claim 28, with respect to claim 27 above, Campanella teaches a method where the scanning comprises attempting to match at least one of a user profile, specific user request or subscription. It is clear that the method of scanning is taught for desired media content includes matching a subscription, where the subscription information is determined as described in Col, 10, lines 49-56, where a radio would have

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a unique identification number used to provide an authentication signal in regard to subscription information, such as determining whether or not a user has paid for the radio service. Also, scanning for desire media content comprises attempting to match at least a specific user request as mentioned in Col. 6, lines 50-55: "Radio receivers, relying on ensemble information included in each prime rate channel, will automatically select those prime rate channels necessary to generate the user-selected audio program."

Regarding claims 29, with respect to claim 26 above, and claim 30, with respect to claim 29, Campanella teaches a method of comprising encrypting a signal prior to broadcasting, as well as decrypting a portion of the broadcast. It is clear that the signal must be encrypted prior to broadcasting, as a subscription service would need the to decrypted or descrambled using audio receiver. In the case of the audio receiver: "...[a] paid subscriber would then have his/her radio authorized to descrambler the subscription channel. Such descrambling can be accomplished by a decryption key." (Col. 10, lines 34-36) Furthermore, it is clear that the signal must have been encrypted or "scrambled" prior to broadcasting and the signal is decrypted at least a portion of the broadcast upon using a decryption key.

Regarding claim 31, with respect to claim 30 above, it is clear the decryption uses a decryption key encoded on a smart card as mentioned in Col 10, lines 34-45, where a smart card in conjunction with a decryption key can be used to authorize the descrambling of a selected channel.

Regarding claim 32, with respect to claim 26 above, Campanella teaches a method where the received audio broadcast is registered. In regards to registering the broadcast, it is clear in Col. 10, lines 40-45 that a broadcast received requires

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authorization, where a smart card is quipped with a digital payment program that accounts for time and usage. Thus, it is clear that the broadcast received is registered with digital payment program located on the smart card.

Regarding claim 33, with respect to claim 26 above, Campanella teaches a method further comprising associated a debit with the broadcast received for billing process. Campanella teaches this in Col. 10, lines 37-45 that a debit card is initialized with a payment amount and decrements the amount as the receiver is used, clearly associating a debit with the broadcast received for billing purposes.

Regarding claim 34, with respect to claim 26 above, Campanella teaches a method where the digital audio broadcast includes content identifiers associated with the type of media broadcast and further comprising the step of screening to selectively permit the downloading of broadcasts according to the content identifiers. As described in Col. 8, lines 5-12, the Ensemble-Sub-Ensemble bits transmitted in a prime rate channel of Campanella's invention allow for cooperative blocking of broadcast information where radio receivers will "...would respond to the blocking signal and block the specific information."

Regarding claim 37, Campanella teaches a program storage device readable by machine, embodying a program of instructions executable by machine to perform method steps for updating the contents of a portable electronic device, the method comprising the steps of receiving a digital audio at a digital audio transmitter, decoding the digital audio signal to obtain update data, updating the contents of the portable electronic device using update data. Campanella teaches a program storage device readable machine able to perform the step of receiving of the digital signal at a digital audio receiver, as disclosed

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on Col. 9, lines 1-4, where a radio will receive L band signals, which is implied in Col. 4, lines 27-32. Also, Campanella teaches a program storage device capable of decoding the digital audio signal to obtain update data. Campanella teaches in Fig. 7, reference #135 that the chipset is responsible for deciding the signal as described in Col. 10, lines 1-16 to obtain broadcast information such as audio output (Col. 1, lines 5-10) as well as update data regarding subscription information in form of payment information or identification number (Col. 10, lines 37-45 and 49-56). Finally, Campanella also teaches a program storage device readable by machine capable to perform the method for updating the contents of a portable electronic device, where the payment amount is decremented and clearly updated in a smart card located within the radio receiver depending upon subscription time and usage as described in Col. 10, lines 43-45.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campanella and Yoshimune et al, US Patent Number 6438233, hereinafter referred to as Yoshimune. Regarding claim 2, with respect to claim 1 above, Campanella teaches an electronic device for receiving broadcast media comprising a CPU, storage medium, a display, a user interface and a digital audio broadcast receiver which receives a digital

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signal transmitted by a digital audio transmitter and decodes the received digital signal for use by the CPU, but fails to explicitly teach that the device comprises an e-book. However, Yoshimune teaches an electronic book or e-book system with a display, a CPU, story medium, a user interface and a broadcast receiver as described in Col. 14, lines 54-64: "The computer 56 comprises a processor (CPU) 81, a ROM 82 and a RAM 83 for storing programs, etc., a broadcast receiving interface 84 for receiving received data from the broadcast receiver 57, a display controller 85 for controlling the display on the display unit 66, a hard disk (HD) controller 86 for controlling data input/output of the hard disk device 64A, a floppy disk (FD) controller 87 for controlling data input/output of the floppy disk device 64B, a keyboard interface 88 for controlling input from the keyboard 65A, and a mouse interface 89 for controlling input from the mouse 65B." It would have been obvious to one of ordinary skill in the art to modify the electronic device with CPU, user interface, storage medium, display, and digital audio broadcast receiver of Campanella to include the electronic book with broadcast capabilities of Yoshimune to obtain an electronic book device with CPU, user interface, storage medium, display and digital audio broadcast receiver able to receive a digital signal transmitted by a digital audio transmitter and to decode the received digital signal for use by the CPU. One of ordinary skill in the art would have been motivated to modify the electronic device with CPU, user interface, storage medium, display, and digital audio broadcast receiver of Campanella to include the electronic book with broadcast capabilities of Yoshimune to provide a "... book data service system in which the book data can be delivered by broadcasting such that the book data can be delivered to any user

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located at any place promptly and economically, without causing the waste of the resources" (See abstract).

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campanella and Ballantyne et al., US Patent Number 5867821, hereinafter referred to as Ballantyne. Regarding claim 3, with respect to claim 1 above, Campanella teaches an electronic device for receiving broadcast media comprising a CPU, storage medium, a display, a user interface and a digital audio broadcast receiver which receives a digital signal transmitted by a digital audio transmitter and decodes the received digital signal for use by the CPU, but fails to explicitly teach a device which comprises a portable database of medical records stored at a storage medium and wherein the digital broadcast transmitted by the digital audio transmitter updates the medical records of a patient. However, Ballantyne teaches a device that comprises a portable database of medical records stored at a storage medium where the digital broadcast transmitted by a broadcast transmitter that updates medical records of a patient.

Ballantyne teaches a portable database of medical records which can be retrieved from a master library 2 as shown in Figure 4, which is facilitated through wireless communication between the patient care station (PCS) and a personal digital assistant (PDA) as described in the abstract. The master library acts as a depository for medical records as described in Col. 4, lines 4-6 and 31-46. The PDA then interacts with the PCS to exchange information through an infrared receiver and transmitter as described in Col. 13, lines 42-45 and 56-63. The PDA is able to then interface to or access the portable database of medical records store at the master library's storage medium (Col. 6, lines 20-31) as described in Col. 13, lines 42-45. It is clear that it master library transmits the

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digital signal which acts as a digital signal transmitter. Finally, the master library updates the medical records of the patient, as disclosed in Col. 12, lines 66-67 and Col. 13, line 1: "Periodically, the ML is also updated (428) with the most recent health care status for each examined patient." It would have been obvious to one of ordinary skill in the art to modify the electronic device for receiving broadcast media of Campanella to include the portable database medical records stored on a storage medium which were the transmission signals are updated by a medical library. One of ordinary skill in the art would have been motivated to modify the electronic device for receiving broadcast media of Campanella to include the digital portable database of medical records and medical record update of Ballantyne to provide a convenient method to distribute patient/medical information regarding medical information on a portable device.

Regarding claim 14, with respect to claim 13 above, Ballantyne teaches device comprising display processing means for a system for selectively displaying updated records as described in Col. 31, lines 5-10: This periodic updating of the ML facilitates the capability of external users, such as general practitioners, to access their patient's files to determine the latest health care status. This periodic update time is entirely programmable, and will vary from hospital to hospital, dependent on administrative policy." It is clear that external users will be able to obtain and display the updated records selectively in order to determine the latest health care status of a patient.

7. Claims 13, 14, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campanella and Giacomelli et al., US Patent Number 4866701, hereinafter referred to as Giacomelli. Regarding claims 14 and 35, with respect to claim 12 and 26 correspondingly above, Campanella teaches a system for handling broadcast

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media as explained above but fails to teach a dynamic broadcast dynamically changing channel configurations in which channel bandwidth is dynamically adapted to the broadcast media being transmitted wherein the channel configuration is not likely to require all available bandwidth, calculating excess bandwidth, and allocating the excess in a manner to provide sufficient bandwidth for sub channels. However, Giacopelli teaches this in his packet switch invention where he states in Col. 3, lines 40-67 and Col. 4, lines 1-2: "It is an object of the present invention to take advantage of this excess bandwidth by dynamically allocating input ports between newly arriving and recirculating packets. Such a dynamic allocation results in more efficient use of available bandwidth." It is clear that the input ports bandwidth is being dynamically adapted to the broadcast media being transmitted (in this case, packets), where the channel configuration is not likely to require all the available excess bandwidth in order to allocate the sufficient bandwidth to current input ports, further described in the abstract. It would be obvious to one of ordinary skill in the art to modify the system for handling broadcast media of Campanella to include the system of a dynamically allocating input ports based upon excess available bandwidth for other channels of Giacopelli in order to obtain a system for handling broadcast media for dynamically allocating input ports based upon excess available bandwidth for other channels. One of ordinary skill in the art would have been motivated to include the system of a dynamically allocating input ports based upon excess available bandwidth for other channels of Giacopelli in order to decrease inefficiency of current broadcasting system as well as make maximize full communication channels of a broadcast system in order to provide the highest quality signal to radio receiver users.

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8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campanella and Barber, US Patent Number 5930777. While Campanella teaches a satellite broadcast system with smart card reader, a decryption key and a means for decrementing a count the decryption key as described in claim 9 above, he fails to explicitly teach that the counter is decremented for each page download. However, Barber teaches a method where the counter is recorded for each page downloaded. As Barber notes in his invention, a pay-per-access system regarding web pages is recorded, as disclosed in Col. 6, lines 24-37: "With the addition of the cost field to a link, the Web page with the link becomes a commerce page, and the link becomes a priced link. Until it is later tokenized by a banker, a priced link points directly to the pay-per-access page at the vendor's Web site. The vendor might also place priced links in lower-level Web pages, making those pages both commerce pages and pay-per-access Web pages. These lower-level commerce pages would then point to information-bearing pages even lower in the linked hierarchy set up by the vendor. If the vendor wants, a lower-level commerce page can serve only as a menu, instead of also bearing pay-per-access information, and the vendor can set the charge to access the lower-level menu-only commerce page to zero (as indeed the charge for any Web page can be set to zero)." It is clear that for each page accessed that a count by some sort of counter is kept and an amount is decremented for each pay-per-access web page visited. Thus, one of ordinary skill in the art would be motivated to modify the satellite broadcast system of Campanella to include the downloaded page decrementer of Barber to obtain a satellite broadcast system with downloaded page decrementer. One of ordinary skill in the art would be motivated to modify the satellite broadcast system of Campanella to include the

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downloaded page decrements of Barber to charge the user for each page downloaded on a pay-per-access basis as well as to "...then extracts the transaction data it needs for charging the consumer account and crediting a vendor account (usually the vendor who owns the information-bearing Web page being accessed)"(Col. 7, lines 60-63).

Response to Amendment

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29-36 are objected to under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 29-36 all depend upon claim 26, which has been cancelled by the applicant.

10. Applicant's arguments filed on May 16, 2003 have been fully considered but they are not sufficiently persuasive.

With regards to the Applicant's assertion that the Campanella patent is directed only toward broadcasting signals for audio display and not toward the storage of electronic data, audio data is encompassed by electronic data, as it can be stored electronically. Campanella teaches storage of compressed music using MPEG 1 layer III encoding, which is in fact digital electronic data (see column 4, line 5-6).

Campanella also discloses several different embodiments of his system including: "[delivery] of multimedia services such as large database downloads to PCs for business applications, map and printed text information to travelers, and even color images to

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augment audio programs for advertising and entertainment.” (See column 2, lines 63-67); because Campanella’s system discloses large database downloads, electronic books as well as medical records are also taught, as electronic books are nothing more than a collection of textual information and medical records are nothing more than a large database of medical records. Campanella’s system further discloses a digital memory storage (see column 5, line 42) where serial data streams are stored. If new electronic data is being stored, the data contained on the disk is changed and thereby updated. Finally, as shown in figure 5 of Campanella, both CPU 51 and storage 56 are present.

The Examiner has reviewed the cited prior art that has been objected to and still believes that the cited patents teach all the features within the Applicant’s invention.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Response

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).



CAO (KEVIN) NGUYEN
PRIMARY EXAMINER

07/12/03